

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

Carlos Murrain,

Plaintiff,

v.

Amcol Systems, Inc.,

Defendant.

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Civil Action No.: _____

DEMAND FOR JURY TRIAL

COMPLAINT & JURY DEMAND

For this Complaint, Plaintiff, Carlos Murrain, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendant's repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (the "FDCPA").
2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that Defendant transacts business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

3. Plaintiff, Carlos Murrain ("Plaintiff"), is an adult individual residing in Detroit, Michigan, and is a "consumer" as the term is defined by 15 U.S.C. § 1692a(3).
4. Defendant, Amcol Systems, Inc. ("AMCOL"), is a South Carolina business entity with an address of 111 Lancewood Road, Columbia, South Carolina 29210, operating as a collection agency, and is a "debt collector" as the term is defined by 15 U.S.C. § 1692a(6).

ALLEGATIONS APPLICABLE TO ALL COUNTS

A. The Debt

5. Plaintiff allegedly incurred a financial obligation (the “Debt”) to an original creditor (the “Creditor”).

6. The Debt arose from services provided by the Creditor which were primarily for family, personal or household purposes, which meets the definition of a “debt” under 15 U.S.C. § 1692a(5).

7. The Debt was purchased, assigned or transferred to AMCOL for collection, or AMCOL was employed by the Creditor to collect the Debt.

8. Defendant attempted to collect the Debt and, as such, engaged in “communications” as defined in 15 U.S.C. § 1692a(2).

B. AMCOL Engages in Harassment and Abusive Tactics

9. In late 2015, AMCOL began contacting Plaintiff in an attempt to collect the Debt.

10. During the initial conversation, Plaintiff instructed AMCOL to not call him before 5:30 PM because he was prohibited from answering calls at work.

11. Nevertheless, AMCOL continued to place calls to Plaintiff before 5:30 PM.

12. AMCOL also failed to send Plaintiff a letter regarding the Debt within five (5) days of the initial conversation.

COUNT I
VIOLATIONS OF THE FDCPA 15 U.S.C. § 1692, et seq.

13. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

14. Defendant’s conduct violated 15 U.S.C. § 1692c(a)(1) in that Defendant contacted Plaintiff during a time known to be inconvenient for Plaintiff.

15. Defendant's conduct violated 15 U.S.C. § 1692d in that Defendant engaged in behavior the natural consequence of which was to harass, oppress, or abuse Plaintiff in connection with collection of the Debt.

16. Defendant's conduct violated 15 U.S.C. § 1692d(5) in that Defendant caused a phone to ring repeatedly and engaged Plaintiff in telephone conversations with the intent to annoy and harass Plaintiff.

17. Defendant's conduct violated 15 U.S.C. § 1692f in that Defendant used unfair and unconscionable means to collect the Debt.

18. Defendant's conduct violated 15 U.S.C. § 1692g(a) in that Defendant failed to send Plaintiff a letter within five (5) days of its initial contact with Plaintiff.

19. The foregoing acts and omissions of Defendant constitute numerous and multiple violations of the FDCPA.

20. Plaintiff is entitled to damages as a result of Defendant's violations.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant:

1. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
2. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A);
3. Costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3);
4. Punitive damages; and
5. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: August 5, 2016

Respectfully submitted,

By: /s/ Sergei Lemberg, Esq.
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